

Exhibit 2

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 COUNTY OF ALAMEDA

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5 ANTHONY HERNANDEZ VALADEZ,

) **Certified Transcript**

)

6 Plaintiff,

)

)

7 vs.

) Case No.

) 22CV012759

)

8 JOHNSON & JOHNSON; ALBERTSONS

)

9 COMPANIES, INC., individually

)

and as successor-in-interest,

)

10 parent, alter ego and equitable

)

trustee LUCKY STORES, INC.;

)

LUCKY STORES, INC.; SAFEWAY

)

INC.; SAVE MART SUPERMARKETS,

)

12 Individually, and as

)

successor-in-interest, parent,

)

13 alter ego and equitable trustee

)

Of LUCKY STORES, INC.; TARGET

)

14 CORPORATION; WALMART INC.; and

)

FIRST DOE through ONE-HUNDREDTH

)

15 DOE,

)

)

16 Defendants.

) (Pages 1 - 171)

)

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20 VIDEOTAPED REMOTE DEPOSITION OF

21

MOHANA ROY, M.D.

22

THURSDAY, APRIL 27, 2023

23

24

Reported by:

PAIGE I. HUTCHINSON, CA CSR No. 13459,

25

TX CSR No. 11222, WA CCR No. 3336

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 COUNTY OF ALAMEDA

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5 ANTHONY HERNANDEZ VALADEZ,)
6 Plaintiff,)
7 vs.) Case No.
8) 22CV012759
9 JOHNSON & JOHNSON; ALBERTSONS)
10 COMPANIES, INC., individually)
11 and as successor-in-interest,)
12 parent, alter ego and equitable)
13 trustee LUCKY STORES, INC.;)
14 LUCKY STORES, INC.; SAFEWAY)
15 INDIVIDUALLY, and as)
16 successor-in-interest, parent,)
17 alter ego and equitable trustee)
18 Of LUCKY STORES, INC.; TARGET)
19 CORPORATION; WALMART INC.; and)
20 FIRST DOE through ONE-HUNDREDTH)
21 DOE,)
22 Defendants.)
23 _____)

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19 VIDEOTAPED DEPOSITION OF MOHANA ROY, M.D.,

20 taken on behalf of Defendants, remotely via

21 videoconference, commencing at 1:09 p.m. (PST),

22 Thursday, April 27, 2023, before Paige I.

23 Hutchinson, Certified Shorthand Reporter for the

24 State of California No. 13459, Texas CSR No. 11222,

25 Washington CCR No. 3336.

1 APPEARANCES (Via Videoconference):

2

3 For Plaintiff:

4 KAZAN, McCLEAIN, SATTERLEY & GREENWOOD
5 BY: MICHAEL REID, ESQ.
6 Jack London Market Building
7 55 Harrison Street, Suite 400
8 Oakland, California 94607
9 (888) 887-1238
10 mreid@kazanlaw.com

11

12 For the Deponent:

13 SCHUERING ZIMMERMAN & DOYLE, LLP
14 BY: THOMAS M. GRAY, ESQ.
15 400 University Avenue
16 Sacramento, California 95825
17 (916) 567-0400
18 tmg@szs.com

19

20 For Defendants ALBERTSONS COMPANIES, INC.
21 (Erroneously sued as ALBERTSONS COMPANIES, INC.,
22 individually, and as successor-in-interest, parent,
23 alter ego, and equitable trustee of LUCKY STORES,
24 INC.); LUCKY STORES (SAVE MART)LLC f/k/a LUCKY
25 STORES, INC. (Erroneously sued as LUCKY STORES,
INC.); SAFEWAY INC.; SAVE MART SUPERMARKETS LLC
(erroneously sued as SAVE MART SUPERMARKETS,
individually, and as successor-in-interest, parent,
alter ego, and equitable trustee of LUCKY STORES,
INC.); TARGET CORPORATION; and WALMART INC:

26

27 BARNES & THORNBURG LLP
28 BY: MITCHELL CHARCHALIS, ESQ.
29 390 Madison Avenue, 12th Floor
30 New York, New York 10017
31 (310) 284-3768
32 mcharchalis@btlaw.com

1 APPEARANCES (Via Videoconference) (continued):

2

3 For Defendants JOHNSON & JOHNSON and LTL
MANAGEMENT, LLC:

4

5 NELSON MULLINS
BY: SCOTT J. RICHMAN, ESQ.
100 South Charles Street, Suite 1600
6 Baltimore, Maryland 21201
(443) 392-9414
7 scott.richman@nelsonmullins.com

8

9 Also Present:

10 Michael Saito, Videographer, Videoconference
11 Moderator, iDepo Reporters

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I N D E X

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E X H I B I T S

PLAINTIFF'S

PAGE :

Exhibit A Progress Note 4/21/2023
(14 pages)

QUESTIONS INSTRUCTED NOT TO ANSWER

(None.)

1 **medication?**

2 MR. RICHMAN: Just object. It calls for
3 speculation.

4 THE DEPONENT: Sure. I can be quite
5 direct. I think that he's really towards the end
6 of his life. I don't think that there are any
7 really validated treatments left. I have consulted
8 with physicians throughout the country about his
9 case and different treatment options available.
10 This next chemotherapy that I'm changing to, I do
11 not have very high hopes for. The hope is
12 essentially just to prevent additional growth. I
13 do not anticipate significant shrinkage or benefit
14 from the next treatment.

15 MR. CHARCHALIS: And just -- sorry,
16 Michael, just a belated join in the objections.

17 And is it fine if one objection --
18 objection by one objection is for all?

19 MR. REID: That's fine, yes.

20 BY MR. REID:

21 Q. Okay. Dr. Roy, I'm actually I'm going to
22 show you and I'm going to mark -- we'll mark it as
23 Exhibit A, in as in alpha. Let me see if I can get
24 this open here.

25 (Exhibit A marked.)

1 BY MR. REID:

2 Q. And what this is is a note summary from
3 your appointment with Mr. Valadez on 4/21.

4 Do you recognize this as such?

5 A. Yes.

6 Q. Okay.

7 Okay. I'm going to scroll us down here to
8 page 11 of this note summary.

9 And the area I want to direct you to is
10 this area that I have highlighted. Just for the
11 moment, follow along with me, make sure I read this
12 correctly; okay?

13 (Reading): He preferred to not discuss
14 imaging and would like imaging to be described on a
15 scale of 1 to 5. We informed we would rank it at
16 an approximate 4 to 4.5.

17 First, did I read that correctly?

18 A. Yes.

19 Q. Can you elaborate on what you meant there
20 by the approximate 4 to 4.5 on the 5-scale?

21 A. Sure. I apologize that that's not clear.

22 Mr. Valadez has had a really hard time
23 discussing any imaging results from the start of
24 his care. In the middle of his treatment course,
25 he was able to discuss that a little bit more, but

1 that had declined in the light of bad news, and so
2 he wanted me to say 1 being good and 5 being kind
3 of the worst possible thing, where I would rate it
4 and not go into more details of his imaging.

5 **Q. So that 4 to 4 1/2 is towards that worst**
6 **possible scenario then; is that right?**

7 A. Correct.

8 MR. RICHMAN: Objection. Leading.

9 MR. REID: It's cross-examination,
10 Counsel.

11 MR. RICHMAN: Also assumes facts.

12 BY MR. REID:

13 Q. I believe that's it from this record here.

14 I'm going to jump a little bit more here
15 to one of the previous medical records you were
16 shown -- actually, a set of medical records that
17 you were shown that had a reference to construction
18 work from Mr. Valadez's father.

19 Do you recall that testimony, those
20 records, generally?

21 A. Yes.

22 Q. Okay. As you sit here today, what is your
23 understanding of any potential exposure that
24 Mr. Valadez had from the construction work related
25 to his father?

MR. RICHMAN: Objection. Calls for speculation.

THE DEPONENT: As I sit here today, I do not have really a detailed understanding of that exposure because he or -- and his mother were not able to elaborate on that.

BY MR. REID:

Q. Okay. From the record, it looks like your understanding is that any construction work that his father would have done would have been from the last couple years.

Do I have that right?

A. I think I had to correct that in my note. Initially, I think it was noted for a longer time, and then they had clarified that it might have been more recently. That led me to believe that perhaps it was not as relevant for his care because traditionally you think about a long latency between someone having an exposure, let's say, in their 20s and then developing disease in their '60s.

Q. All right. So for if -- it was a construction -- well, strike that. Let me rephrase.

Any construction work more recently would

1 have been less relevant for you in terms of
2 determining what could have increased his risk of
3 developing this disease then.

4 Do I have that right?

5 A. That's --

6 MR. RICHMAN: Objection. Assumes facts.
7 It misstates her testimony.

8 (Reporter clarification.)

9 THE DEPONENT: That's right.

10 BY MR. REID:

11 Q. And then in terms of construction work
12 generally, do you have an understanding of whether
13 or not asbestos is -- well, strike that. Let me
14 rephrase this a little bit.

15 Do you have an understanding of whether or
16 not recent construction work would have even
17 allowed for an encountering to -- an encounter with
18 asbestos as compared to construction work that's
19 documented in the literature from, say, the '60s or
20 '70s when asbestos was an intentionally added
21 ingredient?

22 MR. RICHMAN: I'll object that it assumes
23 facts, it's outside the scope of expertise, and
24 misstates the literature.

25 THE DEPONENT: I think that's beyond my

1 the transcript via Code.

2 And with that, we are off the record.

3 THE VIDEOGRAPHER: Okay. The time is
4 4:41 p.m., Pacific Time, and the deposition is
5 concluded.

6 This is the end of Media 3, and we're off
7 the record. Thank you so much.

8

9 (Whereupon, at the hour of
10 4:41 p.m., the proceedings
11 were concluded.)

12 -00-

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1 DECLARATION UNDER PENALTY OF PERJURY
2
3
4

5 I, MOHANA ROY, M.D., do hereby certify
6 under penalty of perjury that I have read the
7 foregoing transcript of my deposition taken on
8 April 27, 2023; that I have made such corrections
9 as appear noted herein in ink, initialed by me;
10 that my testimony as contained herein, as
11 corrected, is true and correct.

12 DATED this ____ day of _____, 2023,
13 at _____.

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21 MOHANA ROY, M.D.
22
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24
25

1 STATE OF CALIFORNIA)
2 COUNTY OF LOS ANGELES)

3

4 I, PAIGE I. HUTCHINSON, Certified

5 Court Reporter, Certificate No. 13459, for the
6 State of California, hereby certify:

7 I am the deposition officer who
8 Stenographically recorded the foregoing deposition;
9 Written Notice Pursuant to Code of Civil
10 Procedure, Section 2025.520, having been sent to
11 the deponent, the deponent:

- 12 () IN PERSON MADE THE CHANGES SET
13 FORTH IN THE FOREGOING TRANSCRIPT;
- 14 () APPROVED THE TRANSCRIPT BY SIGNING
IT;
- 15 () FAILED OR REFUSED TO SIGN THE
TRANSCRIPT BY NOT SIGNING IT;
- 16 () BY SIGNED LETTER ATTACHED HERETO,
17 MADE THE CHANGES SET FORTH THEREIN
18 AND APPROVED, OR REFUSED TO
APPROVE, THE TRANSCRIPT;
- 19 () FAILED TO CONTACT THE DEPOSITION
20 OFFICER WITHIN THE ALLOTTED TIME
PERIOD.

21

22 DATED: _____

23

24

25 (DEPOSITION OFFICER)

1 STATE OF CALIFORNIA)
2 COUNTY OF LOS ANGELES)

3

4 I, Paige I. Hutchinson, Certified

5 Shorthand Reporter, No. 13459, do hereby certify:

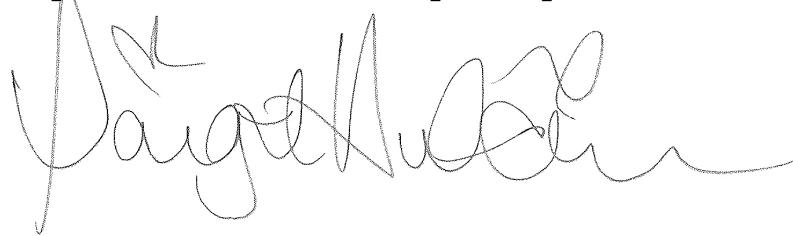
6 That prior to being examined, the witness
7 named in the foregoing deposition was by me duly
8 sworn to testify to the truth, the whole truth, and
9 nothing but the truth;

10 That said deposition was taken before me
11 remotely via videoconference; and thereafter
12 reduced to print by means of computer-aided
13 transcription; and the same is a true, correct, and
14 complete transcript of said proceedings taken at
15 that time, to the best of my ability.

16 I further certify that I am not interested
17 in the outcome of the action.

18 Witness my hand this Monday, May 1, 2023.

19
20
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25



PAIGE I. HUTCHINSON,
Certified Shorthand Reporter
in and for the State of California
License No. 13459
Washington CCR No. 3336
iDepo Reporters
323-393-3768

1 CORRECTION LIST

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